

Regular Session, 2009

SENATE BILL NO. 317

BY SENATOR HEBERT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ENVIRONMENT QUALITY DEPT. Provides certain siting restrictions for construction and demolition debris solid waste facilities near airports. (gov sig)

AN ACT

To amend and reenact R.S. 30:2159.1, relative to construction and demolition debris solid waste facilities; to provide certain restrictions; to provide certain exceptions; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:2159.1 is hereby amended and reenacted to read as follows:

§2159.1. ~~Landfill~~ **Construction and demolition debris solid waste facility** siting near airports

A. ~~In parishes with populations of at least seventy thousand persons and less than seventy-five thousand persons according to the latest decennial figures, no~~ **No** person shall construct, establish, or expand ~~a residential or commercial solid waste facility used for disposing, processing, or transporting solid waste, nor construct, establish, or expand a construction and demolition debris solid waste facility adjacent to such residential or commercial solid waste facility,~~ within five thousand feet of an airport serving piston-powered aircraft or within ten thousand feet of an airport serving turbine-powered aircraft. The distance shall be measured from the point of the property line of the ~~solid waste facility closest to the runway, taxiway, apron, or aircraft parking area of the airport, whichever is~~

1 **end** closest to the facility's property line.

2 B. This Section shall not apply to ~~an enclosed processing or non-processing transfer~~
3 ~~station~~ **the renewal of any permit to a construction and demolition debris solid waste**
4 **facility or any final permit decision on a construction and demolition debris solid waste**
5 **facility issued by the department prior to the effective date of this Section.**

6 Section 2. This Act shall become effective upon signature by the governor or, if not
7 signed by the governor, upon expiration of the time for bills to become law without signature
8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
9 vetoed by the governor and subsequently approved by the legislature, this Act shall become
10 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by J. W. Wiley.

DIGEST

Present law prohibits construction, establishment, expansion, or permitting of a residential or commercial solid waste facility or an adjacent C&D facility within 5,000 ft. of an airport serving piston-powered aircraft or 10,000 ft. of an airport serving turbine-powered aircraft.

Proposed law removes the present law prohibition and prohibits construction, establishment, expansion, or permitting of a C&D facility within 5,000 ft. of an airport serving piston-powered aircraft or 10,000 ft. of an airport serving turbine-powered aircraft.

Present law provides that the present law only applies within a certain parish population range.

Proposed law removes the population range.

Present law provides that the distance be measured from the point of the property line of the solid waste facility closest to the runway, taxiway, apron, or aircraft parking area of the airport, whichever is closest to the facility's property line.

Proposed law changes the calculation of distance to the point of the property line of the facility to the runway end closest to the facility's property line.

Present law provides an exemption for enclosed processing or non-processing transfer station.

Proposed law removes the exemption for enclosed processing or non-processing transfer station. Further provides an exemption for the renewal of any permit to a C&D facility or for any final permit decision on a C&D facility issued by DEQ prior to the effective date of the proposed law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 30:2159.1)